

## **REMARKS**

Claims 1-7 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sasaki, et al. (U.S. Pat. No. 5,978,339). This rejection is respectfully traversed.

Claim 1 recites the novel embodiment described, for example, on pgs. 15-16 of a disk apparatus including a stationary frame having an opening 2d for inserting and ejecting a disk-shaped recording medium 101, a disk guide 2 which is rotatably provided in the proximity of the opening of said stationary frame, and which leads said disk-shaped recording medium 101 to the inserting operation and the ejecting operation, and a floating unit 10 which is held in a floating state through elastic component 90 in said stationary frame, and which has a function to perform a recording and/or reproducing operation on said disk-shaped recording medium.

Claim 1 has been further amended to clarify that the floating unit 10 includes a roller arm 40 for carrying the recording medium 101 to a desired position, and that the roller arm 40 moves to thereby permit the disk guide 2 to close at least a part of the opening 2d as discussed on pages 17-18.

Sasaki describes a magnetic recording/reproducing apparatus which includes a casing 1 and a panel attached 3 to the front side. The panel 3 includes protrusions 3a and preventing sections 3b along the inlet 12. However, Sasaki fails to disclose a

floating unit which includes a roller arm for carrying the recording medium to a desired position, and a roller arm which moves to thereby permit the disk guide to close at least a part of the opening as called for in amended claim 1. Rather, Sasaki merely describes the apparatus as including a door 15 which is biased by a torsion coil spring 16 to close the inlet 12. Accordingly, the rejection of claim 1, as well as dependent claims 6-7, under 35 U.S.C. 102(b) should be withdrawn.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Minamimoto (JP 2000-090529A) in view of Liao, et al. (U.S. 2003/0161253). This rejection is respectfully traversed.

Minamimoto describes a disk device including a cabinet unit 1 having an insertion hole 3. The disk device includes disk conveyor 6 for conveying the disk while clamping it at both sides and a disk guide 27 for guiding the disk through an interior portion of the disk guide 27. A terminal portion of the disk guide 27 moves between a clamping-conveying position and a nonclamping-conveying position. A cam portion 33 disposed at the terminal portion controls the operation of an open-close door 34 which opens and closes the insertion hole 3 in response to the movement of the disk guide 27 (See paragraph 21).

However, as conceded by the examiner in the discussion of the reasons for allowance of claim 2, Minamimoto and Liao fail to teach or suggest a roller arm that is rotated or moved to close at least a part of the opening for inserting and injecting the

disk by the disk guide. Accordingly, the rejection of claim 1, as well as dependent claims 3 and 4, under 35 U.S.C. 103(a) should be withdrawn.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that Claims 2 and 5 would be allowable if rewritten in independent form. Accordingly, Applicants have amended Claims 2 and 5 to include the limitations of the base claim and any intervening claims. Therefore, Claims 2 and 5 should now be in condition for allowance.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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